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Jun. 30, 2021

BY ECF

Hon. Brian M. Cogan
USDJ-EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *US v. Yun Lei Huang*, 18 CR 408 (S-2)-002 (EDNY) (BMC)

Dear Judge Cogan:

Yun Lei Huang submits this letter ahead of his upcoming sentencing for his structuring¹ plea.

Having conducted many related sentencings, Your Honor is fully familiar with the pertinent facts and circumstances. Rather than multiply the record, we therefore adopt and incorporate Yun Lei's presentence report² and the sentencing submissions of his father and brother. Specifically, we adopt and incorporate the latter's descriptions

¹ See 31 U.S.C. § 5324(a)(3).

² Save the objections referenced in the next paragraph and annexed as Exhibit A.

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of the offense conduct and discussions of the Huangs' culpability relative to previously sentenced defendants, briefly adding three further points.

First, Yun Lei's PSR objections, served last Oct., remain unresolved. We attach them as Exhibit A for the Court's convenience and consideration.

Second, since the related sentencings Your Honor conducted, violence against Asian Americans has skyrocketed due to the coronavirus pandemic. By one recent account, "anti-Asian hate incidents nationwide have jumped from roughly 100 annually to nearly 3,000 reports" over the past year.³ As a result, Congress passed, and the President signed into law just last month, new legislation aimed at combating Asian hate

³ Nicholas Wu & Marianne Levine, "Senate Faces a New Post-Tragedy Quagmire as Anti-Asian Hate Crimes Rise," Politico (Mar. 28, 2021), *available at* <https://www.politico.com/news/2021/03/28/asian-american-hate-crimes-congress-478168> (as visited Mar. 30, 2021); *see also, e.g.*, Nicholas Wu, "White House Unveils New Actions to Counter Rising Anti-Asian Violence," Politico (Mar. 30, 2021) (reporting that White House "rolled out a series of executive actions aimed at addressing a spike in anti-Asian American hate incidents in the aftermath of a shooting in Atlanta that killed six Asian American women," including an announced "Covid-19 Equity Task Force to address xenophobia against Asian Americans and a Justice Department cross-agency initiative addressing rising hate crimes against Asian Americans"), *available at* <https://www.politico.com/news/2021/03/30/biden-executive-actions-anti-asian-violence-478491> (as visited Mar. 30, 2021).

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crime.⁴

Against this backdrop, Yun Lei – a non-citizen Chinese national with limited proficiency in English – may face a heightened risk of racially motivated violence amid a prison population of hardened criminals ravaged by Covid-19.⁵ Compounding that risk is Yun Lei’s slight if not delicate appearance and his timid demeanor. Given Yun Lei’s extreme vulnerability to prison abuse, a non-custodial sentence – or a custodial sentence to be served by home confinement – seems uniquely appropriate in this case.⁶ That’s especially true where prison officials’ “only means” to “protect” Yun Lei may be extended placement in “solitary

⁴ See, e.g., Barbara Sprunt, “Here’s What the New Hate Crimes Law Aims to Do as Attacks on Asian Americans Rise,” NPR (May 20, 2021), *available at* <https://www.npr.org/2021/05/20/998599775/biden-to-sign-the-covid-19-hate-crimes-bill-as-anti-asian-american-attacks-rise> (as visited Jun. 29, 2021).

⁵ See, e.g., Madeleine Carlisle & Josiah Bates, “With over 275,000 Infections and 1,700 Deaths, COVID-19 Has Devastated the U.S. Prison and Jail Population,” *Time* (Dec. 28, 2020), *available at* <https://time.com/5924211/coronavirus-outbreaks-prisons-jails-vaccines/> (as visited Mar. 30, 2021).

⁶ See *U.S. v. Lara*, 905 F.2d 599 (CA2 1990) (recognizing “extreme vulnerability” to prison abuse as a “proper ground for departure” from then-mandatory Sentencing Guidelines).

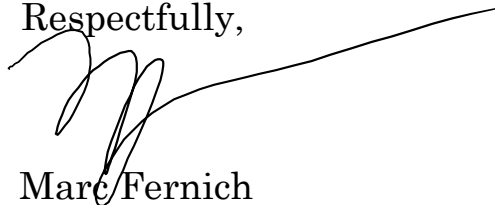
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confinement”⁷ – exceedingly harsh treatment otherwise unwarranted on the facts and circumstances presented.

Third, the letters of support collectively annexed as Exhibit B demonstrate Yun Lei’s sincere contrition and strength of character as a father and husband. They also highlight his minimal risk of reoffending and great potential for rehabilitation.

For the preceding reasons and those urged by the other Huang defendants – to be amplified orally at sentencing – a significantly below Guideline sentence is “sufficient[] but not greater than necessary” to achieve punishment’s “purposes” here.⁸

Respectfully,

A handwritten signature in black ink, appearing to read 'Marc Fernich', with a long horizontal flourish extending to the right.

Marc Fernich

cc: All counsel (ECF)

⁷ *Ibid.* at 602-03.

⁸ *See* 18 U.S.C. § 3553(a)(2).